

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

THOMAS PORTER, et al.

Plaintiffs,

v.

HAROLD W. CLARKE, et al.,

Defendants.

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No. 1:14-cv-1588 (LMB/IDD)

ORDER

For the reasons stated in the accompanying Memorandum Opinion, plaintiffs' Renewed Motion for Summary Judgment [Dkt. No. 192] is GRANTED, defendants' Renewed Motion for Summary Judgment [Dkt. No. 193] is DENIED, and it is hereby

ORDERED that the conditions of confinement on Virginia's death row at the initiation of this civil action be and are DECLARED unconstitutional cruel and unusual punishment; and it is further

ORDERED that defendants and any successors be and are ENJOINED from returning to the pre-2015 conditions of confinement, except on an emergency basis, and specifically that defendants and any successors be and are ENJOINED from imposing on plaintiffs the combination of twenty-three hours per day alone in their cells, no contact visitation, no congregate recreation or programming, and only five hours per week of outdoor recreation in separate cages; and it is further

ORDERED that defendants notify plaintiffs' counsel within forty-eight (48) hours of

any reimposition of the pre-2015 conditions of confinement.

The Clerk is directed to enter judgment in plaintiffs' favor pursuant to Fed. R. Civ. P. 58 and to forward copies of this Order to counsel of record.

Entered this 21st day of February, 2018.

Alexandria, Virginia

/s/ LMB
Leonie M. Brinkema
United States District Judge